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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,288	09/03/2002	Philippe Lesueur	15675P370	4025
7590 12/08/2003 Blakely Sokoloff Taylor & Zafman 7th Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			EXAMINER TSOY, ELENA	
			ART UNIT 1762	PAPER NUMBER

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,288

Applicant(s)

LESUEUR ET AL.

Examiner

Elena Tsoy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1203
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 7, 8, 15, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 05264848.

JP 05264848 discloses a method of reconstituting the coating of a prestripped optical fiber comprising applying UV hardening resin (polymeric resin) by pouring (dropping) (See [0002]) on each end of the stripped region of the fiber 2 at the interface with the remaining initial coating 1a having sharp cut, hardening the resin by irradiation with UV rays, and forming the poured mass into a thin film 4 having tapered ends (generally of frustoconical envelope shape) before filling the stripped space of the fiber with a mass of material capable of resheathing said fiber (See Fig. 2, [0004], [0006]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 9, 10, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05264848.

JP 05264848, as applied above, fails to teach that the steps of applying a drop of viscous material and of shaping it are repeated several times before the filling step is carried out (Claim 4); stripped region of the fiber 2 has a length of between a few millimeters and a few centimeters (Claim 9); the volume of each drop of viscous material deposited at each application step is of the order of a few mm^3 (Claim 10); the apex angle of the cone is around 5 to 70 degree (Claim 12); the viscosity of the material applied is between 1000 and 10 000 mPa.s. (Claim 13).

It is the Examiner's position that it is within the level of ordinary skill to determine limitations of claims 4, 9, 10, 12, 13 through routine experimentation depending on particular fiber and resin used and on intended use of a final product.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined the optimum values of the relevant method parameters (including those of claims 4, 9, 10, 12, 13) in a method of JP 05264848 through routine experimentation in the absence of a showing of criticality.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05264848 in view of JP 60090854.

JP 05264848 fails to teach that the viscous material applied on each end of the stripped region of the fiber is silicone.

JP 60090854 teaches that the use of photo-curable silicone resin as a primary coating of optical fiber under the outer coating effectively suppresses optical transmission loss of the optical fiber under very low temperature range (See Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used photo-curable silicone resin as UV-hardening resin in JP 05264848 with the

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expectation of effectively suppressing optical transmission loss of the optical fiber under very low temperature range, as taught by JP 60090854.

6. Claims 11, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05264848 in view of Wakami et al (US 6,067,392).

JP 05264848 fails to teach that the method includes the step of forming a Bragg grating in the stripped region of the fiber 2 before it is resheathed (Claim 14), and the diameter at the base of the applied coating cone is around 250 to 350 microns (Claim 11).

Wakami et al teach that an optical fiber having on its stripped region a grating including a Bragg grating (See column 1, line 66) for the use as an important optical part in a division multiplex transmission wavelength division multiplex optical transmission communication system which multiplexes and transmits optical signals (See column 1, lines 18-25) can be resheathed using silicone resin coating (See column 6, lines 21-28) having diameter of 300 microns and outer coating having diameter of 900 microns (See column 6, lines 45-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used optical fiber having a Bragg grating in a method of JP 05264848 to cover with a primary UV hardening coating having diameter of 300 microns for the use in multiplex optical transmission communication system since Wakami et al teach that an optical fiber having on its stripped region a grating including a Bragg grating (for the use as an important optical part in a division multiplex transmission wavelength division multiplex optical transmission communication system) can be resheathed using silicone resin coating having diameter of 300 microns and outer coating having diameter of 900 microns for the use as an important optical part in a division multiplex transmission wavelength division multiplex optical transmission communication system which multiplexes and transmits optical signals.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (703) 605-1171. The examiner can normally be reached on Mo-Thur. 9:00-7:30, Mo-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'ETsoy', with a stylized flourish at the end.

Elena Tsoy
Examiner
Art Unit 1762

December 2, 2003